27909. Adulteration and misbranding of capsules of Amidopyrin with Barbital, Barbital, Ergotine Compound, "Anti-Grippe," Acetanilide and Salol, and Quinine Sulphate; and misbranding of capsules of Phenacetine and Salol, and Salol. U. S. v. Alva F. Watkins Co. Plea of nolo contendere. Fine, $500. (F. & D. No. 39725. Sample Nos. 18648–C, 18650–C, 18796–C to 18799–C, incl., 18882–C, 18884–C.)

These products contained therapeutic agents in smaller amounts or in excess of the amounts declared on the labels. The Anti-Grippe Capsules contained acetophenetidin and the label failed to declare that acetophenetidin is a derivative of acetanilid.

On July 27, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alva F. Watkins Co., a corporation of Jackson, Mich., alleging shipment by said company in violation of the Food and Drugs Act on or about December 18, 1936, January 21, and March 18, 1937, from the State of Michigan into the State of Missouri of quantities of the above-named drugs most of which were adulterated and misbranded and the remainder of which were misbranded. The articles were labeled in part: "Alva F. Watkins Co. Jackson, Michigan."

The Amidopyrin with Barbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 3½ grains of amidopyrin [aminopyrine]; whereas each capsule contained not more than 2.77 grains of amidopyrin [aminopyrine]. It was alleged to be misbranded in that the statement "Capsules * * * Amidopyrin * * * 3½ grs.," borne on the bottle label, was false and misleading.

The barbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 5 grains of barbital; whereas each capsule contained not more than 3.87 grains of barbital. It was alleged to be misbranded in that the statement "Capsules * * * Barbital * * * 5 grs.," borne on the bottle label, was false and misleading.

The Ergotine Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2½ grains of quinine hydrobromide, whereas each capsule contained not more than 1.49 grains of quinine hydrobromide. It was alleged to be misbranded in that the statement "Capsules * * * Ergotine Compound Each Capsule contains quinine hydrobromide 2½ grs.," borne on the bottle label, was false and misleading.

The "Anti-Grippe" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2 grains of ammonium salicylate and 2 grains of acetophenetidin; whereas each capsule contained not more than 1.51 grains of ammonium salicylate and not more than 1.42 grains of acetophenetidin. It was alleged to be misbranded in that the statement, "Capsules * * * Anti-Grippe. Each Capsule contains Ammonium Salicylate 2 grs. Acetphenetidin 2 grs.," borne on the label, was false and misleading. It was alleged to be misbranded further in that it contained acetophenetidin, a derivative of acetanilid, and the package failed to bear on its label a statement that acetophenetidin is a derivative of acetanilid.

The Acetanilide and Salol was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2½ grains of acetanilid and 2½ grains of salol; whereas each capsule contained not more than 2.13 grains of acetanilid and not more than 1.91 grains of salol. It was alleged to be misbranded in that the statement, "Capsules * * * Acetanilide and Salol. Each Capsule Contains Acetanilide 2½ grs. Salol 2½ grs.," borne on the label, was false and misleading.

The quinine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2 grains of quinine sulphate; whereas each capsule contained not more than 1.62 grains of quinine sulphate. It was alleged to be misbranded in that the statement, "Capsules * * * Quinine, 2 grs. Each capsule contains quinine sulphate 2 grs.," borne on the bottle label, was false and misleading.

The Phenacetine and Salol was alleged to be misbranded in that the statement, "Capsules * * * Phenacetine and Salol. Each capsule contains * * * Salol 2½ grs.," were false and misleading in that the said statement represented that each capsule contained 2½ grains of salol; whereas each capsule contained more than 2½ grains [namely, 2.98 grains] of salol.

The salol was alleged to be misbranded in that the statement "Capsules * * * Salol. Each capsule contains 5 grs. Salol," was false and misleading in that the said statement represented that each capsule contained 5 grains of salol; whereas each capsule contained more than 5 grains [namely, 6 grains] of salol.

On September 16, 1937, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27910. Misbranding of Trask's Treatment for Constipation, Van Ogden Gargle, and Van Ogden Wonderful Liniment. U. S. v. Western Laboratories, Inc. Plea of nolo contendere. Fine, $25. (F. & D. No. 39731. Sample Nos. 14623–C, 14625–C, 14626–C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects; that of the treatment for constipation also bore false and misleading representations that it was wholly vegetable and contained no irritating ingredient, whereas it contained phenolphthalein and strychnine—irritating ingredients, the former of which is not a vegetable substance; the liniment contained chloroform and the label failed to bear a statement of the quantity and proportion of chloroform contained therein.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Laboratories, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of November 14, 1936, and January 9, 1937, from the State of Illinois into the State of Michigan of quantities of drug preparations which were misbranded. The articles were labeled variously: "Trask's New Treatment for Constipation * * * Guaranteed by Western Laboratories, Chicago"; "Van Ogden Gargle [or "Van Ogden Wonderful Liniment"] * * * Van Ogden, Inc., * * * Chicago."

Analysis showed that the treatment for constipation consisted of tablets containing extracts of plant drugs, phenolphthalein, and strychnine, coated with calcium carbonate and an iron compound; that the gargle consisted essentially of small proportions of potassium chlorate, iron chloride, thymol, and water; and that the liniment consisted essentially of small proportions of methyl salicylate, menthol, capsicum, camphor, chloroform (7 minims per fluid ounce), and mineral oil.

All products were alleged to be misbranded in that the labeling bore certain statements, designs, and devices regarding their curative or therapeutic effects which were false and fraudulent in the following respects: The treatment for constipation was represented to be effective as a relief for biliousness, sick headache, liver complaints, and constipation, as a remedy for the most obstinate cases, as a tonic for the bowels, as a treatment, remedy, and cure for constipation, biliousness, indigestion, torpid liver, stomach trouble, and bad breath, effective to cause a clear, healthy complexion and to produce a clear, healthy skin, to eliminate clogged waste matter, and as a treatment, remedy, and cure for pimples, liver spots, sallowness, bad breath, and poor health; effective to remove the cause of all liver complaints, biliousness, and sick headache; and effective as a tonic for the bowels, and as a treatment, remedy, and cure for habitual constipation. The gargle was represented to be effective as a remedy and cure for sore throat, croup, tonsillitis, hoarseness, sore mouth, aphtha, thrush, and all diseases of a similar nature affecting the mouth and throat of children and adults. The liniment was represented to be effective for the reilef of rheumatism and swellings.

The treatment for constipation was alleged to be misbranded further in that the statement "It is purely vegetable, non-irritating," contained in the circular, was false and misleading since it represented that the article consisted wholly of vegetable substances and contained no irritating ingredient; whereas it consisted in part of phenolphthalein, not a vegetable substance, and contained irritating ingredients, namely, phenolphthalein and strychnine. The liniment was alleged to be misbranded further in that it contained choloroform and the label failed to bear a statement of the quantity and proportion contained therein.

On October 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*